

ARNOLD & PORTER LLP
TRENTON H. NORRIS (SBN 164781)
ZACHARY B. ALLEN (SBN 260694)
JONATHAN L. KOENIG (SBN 281737)
Three Embarcadero Center, 10th Floor
San Francisco, California 94111
Telephone: 415.471.3100
Facsimile: 415.471.3400

Attorneys for Plaintiff
C.K.B., by and through her next friends R.T.B. and
C.L.B.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

C.K.B. (a minor)
by and through her next friends R.T.B. (father)
and C.L.B. (mother),

No. 12cv2556 RS (DMR)

**STIPULATION AND [PROPOSED]
ORDER GRANTING LEAVE TO FILE
PROPOSED THIRD AMENDED
COMPLAINT AND VACATING
HEARING RE PENDING MOTION TO
DISMISS**

Plaintiff,

V.

DIXIE SCHOOL DISTRICT,

and

THOMAS J. LOHWASSER,
in his individual and official capacity as
superintendent of the Dixie School District,

and

PATRICIA F. ELLIOT,
in her individual and official capacity as principal
of Dixie Elementary School and Miller Creek
Middle School,

and,

GREG JOHNSON,
in his individual and official capacity as former
principal of Miller Creek Middle School.

Defendants.

1 The parties to this action, through their respective attorneys of record herein, enter into this
2 Stipulation subject to the Court's approval, with reference to the following circumstances:

3 1. On January 24, 2013, Defendants filed a motion to dismiss Plaintiff's Second
4 Amended Complaint ("Motion") [Dkt. No. 32].

5 2. On February 1, 2013, the parties stipulated, and the Court ordered, that Plaintiff
6 would provide Defendants a proposed Third Amended Complaint ("TAC") by February 7, 2013,
7 and that Defendants would inform Plaintiff on February 11, 2013 whether Defendants would
8 stipulate to Plaintiff's filing of her proposed TAC, and whether Defendants would withdraw their
9 pending motion to dismiss the Second Amended Complaint ("SAC"). [Dkt. No. 34.]

10 3. On February 11, 2013, the parties' counsel met and conferred regarding Plaintiff's
11 proposed TAC, but determined they needed additional time to confer with their respective clients.

12 4. On Thursday, February 14, 2013, Defendants agreed to stipulate to Plaintiff's filing
13 of her proposed TAC on the condition that Defendants would not have to respond to the TAC until
14 thirty days following the date the Court approves this stipulation.

15 5. A copy of Plaintiff's proposed TAC is attached hereto as Exhibit A.

16 Accordingly, IT IS HEREBY STIPULATED AND AGREED between the parties, pursuant
17 to Local Rules 6-1(a), 6-2, and 7-12, that:

18 1. Within 10 days following the Court's entry of an order approving this stipulation,
19 Plaintiff shall file her proposed TAC.

20 2. Defendants shall file their response to the TAC no later than thirty days following
21 the date on which Plaintiff files her proposed TAC.

22 3. The March 14, 2013 hearing on Defendants' motion to dismiss the SAC, and all
23 related filing deadlines, shall be vacated.

24 **IT IS SO STIPULATED.**

1 Dated: February 15, 2013

ARNOLD & PORTER LLP

3 By: /s/ Trenton H. Norris
4 Trenton H. Norris
5 Attorneys for Plaintiff

6 Dated: February 15, 2013

STUBBS & LEONE

8 By: /s/ Claudia Leed
9 Claudia Leed
10 Attorneys for Defendants

11 Pursuant to General Order No. 45, § X-B, the filer attests that the concurrence in the filing
12 of this document has been obtained from the above signatories.

13 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

14
15 Dated: February 15, 2013

16 _____
17 Hon. Richard G. Seeborg
18 United States District Judge

